

*Information* **UPDATE**

Wisconsin Department of Public Instruction/John T. Benson, State Superintendent/125 S. Webster St./P.O. Box 7841/ Madison, WI 53707-7841

**BULLETIN NO. 00.07**

**July 2000**

**TO:** District Administrators, CESA Administrators, CCDEB Administrators,  
Directors of Special Education and Pupil Services, and Other Interested Parties

**FROM:** Juanita S. Pawlisch, Ph.D., Assistant Superintendent  
Division for Learning Support: Equity and Advocacy

**SUBJECT:** Results of 1999-2000 School Year Monitoring of Local Educational Agencies

During the 1999-2000 school year, the Wisconsin Department of Public Instruction conducted onsite reviews of 96 local educational agencies (LEAs). The purpose of the reviews was to determine the extent to which LEAs are implementing correctly certain new requirements of the Individuals with Disabilities Education Act (IDEA) and state law. Generally, LEA staff have embraced the themes of the re-authorized IDEA and state law, and they are implementing the new requirements. This bulletin reports the results of the department's review of LEAs' implementation of specific new legal requirements and offers guidance relating to their implementation.

In February 2000, the department sent LEAs not monitored in the 1999-2000 school year a Record Review Checklist that addresses these and other special education requirements. The department urged these LEAs to conduct self-assessments using the checklist. In addition, the department has included self-assessment as an important component of its onsite monitoring of LEAs. Self-assessment will continue to be a part of the department's monitoring efforts. Each year we will encourage LEAs to conduct a self-assessment activity. We hope the guidance offered in this bulletin will assist LEAs in their self-assessments. The department will continue to monitor these new requirements, as well as other state and federal special education requirements, during the 2000-2001 school year. The department's monitoring tools for the 2000-2001 school year will be available by October 1st at our Internet site at [www.dpi.state.wi.us/dpi/dlsea/een/monitor.html](http://www.dpi.state.wi.us/dpi/dlsea/een/monitor.html). LEAs to be monitored during the 00-01 school year will be sent specific instructions regarding these tools 30 days before their scheduled monitoring visit. LEAs not monitored during the 00-01 year are encouraged to conduct a self-assessment of student records using the records checklist.

### **Parent Participation in the Review of Existing Evaluation Data**

*Requirement.* One of the most frequently cited implementation errors relates to parent participation in the individualized education program (IEP) team's review of existing evaluation data on a child. The IEP team, including the parent, is required to review existing evaluation data on the child and identify what additional data, if any, are needed to complete an evaluation or re-evaluation. This review is a part of the evaluation process and must be conducted after the LEA sends a notice initiating the evaluation or re-evaluation.

*Finding.* LEAs frequently failed to document that the child's parents were contacted for this purpose after the LEA sent a notice initiating the evaluation or re-evaluation. Also, in many instances the LEA's

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documentation does not identify the information reviewed with the parent or the specific date and method of the contact or the parent's input. Form I-1 of the DPI Sample Forms can be used to document this information. These forms can be accessed at [www.dpi.state.wi.us/dpi/dlsea/een/form\\_int.html](http://www.dpi.state.wi.us/dpi/dlsea/een/form_int.html).

### **Present Level of Educational Performance**

*Requirement.* Another frequently cited implementation error relates to the statement of the child's present level of educational performance (PLOEP) in the individualized education program (IEP). The PLOEP statement must include baseline data relating to each of the measurable annual goal statements. The law also requires that a PLOEP statement include how the child's disability affects the child's involvement and progress in the general curriculum (the curriculum taught to non-disabled students) or for preschool students, how the disability affects the child's participation in appropriate activities. "Appropriate activities" refers to age-relevant developmental abilities or milestones that typically developing children of the same age would be performing or would have achieved. The IEP team's determination of how each child's disability affects involvement and progress in the general curriculum is a primary consideration in the development of the IEP. The PLOEP statement provides a basis for determining what accommodations the child needs in order to participate in the general curriculum.

*Finding.* Frequently, PLOEP statements do not include how each child's disability affects the child's involvement and progress in the general curriculum or for preschoolers, how the disability affects the child's participation in age-appropriate activities. The statements do not provide a basis for determining what accommodations the child needs in order to participate in the general curriculum.

### **Program Modifications and Supports for School Personnel**

*Requirement.* The IEP team is required to include in a child's IEP a statement of program modifications or supports for school personnel that will be provided for the child to advance appropriately toward annual goals; be involved and progress in the general curriculum and participate in extracurricular and nonacademic activities; and be educated and participate with children with disabilities and non-disabled children.

*Finding.* IEP teams generally considered supplementary aides and services for children. However, through interviews with IEP team participants, department staff learned that in many instances the participants were unaware of their duty to consider supports for school personnel, such as special training for a child's teacher targeted to assist the teacher to meet a specific need of the child.

### **Participation in the Regular Education Environment and the General Curriculum**

*Requirement.* Another area of confusion revealed by the department's reviews relates to the requirement that the IEP include an explanation of the extent, if any, to which the child will not participate in the regular education environment and in the general curriculum (the curriculum taught to non-disabled children). Both elements must be considered by the IEP team and clearly addressed in the IEP. For example, a child may be in the regular education environment full time and receive a replacement curriculum full time, instead of receiving the regular curriculum. Conversely, a child may be removed to a special education resource room and receive the regular education curriculum with modifications during that time.

*Finding.* Many IEPs do not contain statements that clearly distinguish between the extent of the child's non-participation in the regular education environment, the physical setting, and the extent of non-participation in the general curriculum.

## **Transition to Post-Secondary Life**

*Requirement.* IDEA 1997 contains a new requirement relating to transition to post-secondary life beginning at age 14 (or younger if determined appropriate by the IEP team) and annually thereafter. For children age 14 and older, the IEP must include a statement of transition service needs that focuses on the student's courses of study. An explanation of this standard is found in an appendix to the IDEA regulations at 34 CFR 300, Appendix A, question 11, p. 12474. The regulations can be accessed on the Internet at [www.ed.gov/legislation/FedRegister/finrule/index.html](http://www.ed.gov/legislation/FedRegister/finrule/index.html).

To meet the new requirement, the IEP team must determine what instruction and educational experiences are needed to assist the student to prepare for transition to post-secondary life. The statement of transition service needs in the IEP should relate directly to the student's goals beyond secondary school and show how planned studies are linked to these goals. For example, one student is interested in studying computer programming after high school, while another student needs to learn to live independently in the community. The statement in the first student's IEP would indicate that he will take courses in computer technology to prepare him to attend technical college. The other student's IEP would state that she will have instruction in skills of daily living in order to reach the goal of living independently in the community after high school.

*Finding.* While many statements of transition service needs reviewed by the department do identify courses of study, few explain why the planned studies are important for achieving the students' post-secondary goals or even mention post-secondary goals. Further, in many instances IEP teams erred when they failed to develop statements of transition service needs focusing on courses of study for students by the time they attained the age of 14. In many of these cases, the student had not attained the age of 14 years at the time of the annual IEP meeting, but attained the age of 14 during the term of the IEP. In some LEAs, IEP teams developed statements of transition service needs focusing on courses of study for 14- and 15-year-old students, but failed to do so for students age 16 and older. This IEP element must be in place by the time a youth reaches the age of 14 and developed each year thereafter.

## **Reporting Progress of Children with Disabilities to Parents**

*Requirement.* Another new requirement LEAs have not fully implemented relates to reporting the progress of children with disabilities to their parents. The law requires that the parents of a child with a disability be informed of their child's progress at least as often as parents of non-disabled children. Further, the law requires that the parents be informed of (1) the child's progress on IEP annual goals and (2) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

*Finding.* Some LEAs erred by addressing this requirement by sending home grades in subject areas on report cards that do not address progress on annual goals or the sufficiency of that progress. Other LEAs informed parents about progress on annual goals, but failed to include whether the progress was sufficient to enable the child to achieve the goals by the end of the year.

Questions about this bulletin may be directed to Stephanie Petska, Director of Special Education, at (608) 266-1781. This information update can also be accessed through the Internet at:

<http://www.dpi.state.wi.us/dpi/dlsea/een/bulindex.html>